CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

APRIL 19, 2005

Mayor Lavagnino announced that he had met with the mother of Corporal Gary Wesley Rimes, a Santa Maria serviceman recently killed in Iraq. Mrs. Rimes asked that he express to the citizens of Santa Maria her profound gratitude for naming a City street after her son. Mayor Lavagnino indicated that it was the citizens of Santa Maria who were proud that Corporal Rimes had adopted the City of Santa Maria as his home.

INVOCATION:
Pastor Jim Schrotel of the Unity Chapel of Light gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Police Chief Macagni, Director of Public Works Karp, Director of Community Development Lindsey, Fire Chief Ortiz, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Director of Utilities Chisam, and City Clerk Rodriguez.

PROCLAMATION – RED HAT SOCIETY DAY
Councilmember Patino read a proclamation declaring April 25, 2005, as "Red Hat Society Day" in the City of Santa Maria and advising all of the citizens of Santa Maria Valley to pay due respect to all of the Red Hatters on their International Red Hat Society Day. The proclamation was accepted by Barbara Urbanske and Carolyn McCall.

PROCLAMATION – NO TV WEEK
Councilmember Patino read a proclamation declaring the week of April 25 – May 1, 2005, as "Senior Girl Scout Troop #2005 Gold Award Project: No TV Week" in the City of Santa Maria in recognition of the fine work performed by these dedicated girl scouts and in their efforts to encourage healthy activities, promoting family togetherness, fostering literacy, and helping make our community a better place to live. The proclamation was accepted by Amy Klein and Mary O'Hern.

PROCLAMATION – COMPOST AWARENESS WEEK
Councilmember Trujillo read a proclamation declaring the week of May 1 – 7, 2005, as "Compost Awareness Week" in the City of Santa Maria and encouraging everyone to celebrate International Compost Awareness Week and this year's theme: "The Possibilities are Endless...Compost!" The proclamation was accepted by Carl Engel.

PROCLAMATION – NATIONAL VOLUNTEER RECOGNITION WEEK
Councilmember Mariscal read a proclamation declaring the week of April 19 – 23, 2005, as "Santa Maria Police Department's National Volunteer Recognition Week" in the City of Santa Maria to recognize the thirty-five community minded men and women who offer their time, expertise, and resources to the Santa Maria Police Department for the betterment of the entire community. The proclamation was accepted by Volunteer Diane Stevens and Police Corporal Steve Lopez.

RESOLUTION COMMENDING TWYLA BOHL
Councilmember Orach read a resolution commending Twyla Bohl, Secretary in the Recreation and Parks Department, upon her retirement after eighteen years of outstanding service to the City.

Resolution No. 2005-55 was adopted on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmember Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2005-55 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECOGNIZING TWYLA BOHL FOR HER 18 YEARS OF SERVICE.

The resolution was presented to Twyla Bohl.

VOLUNTEERS OF THE MONTH
Councilmember Patino presented a gift to Kimberly Rosa and Kathy Staples recognizing them as the April 2005 Recreation and Parks Volunteers of the Month for their dedication of time and energy to the Families for the First Decade Project.

PUBLIC COMMENT
Ernest Armenta spoke regarding the importance of health checkups for both men and women, as well as municipal electricity.

Carlos Aguilera thanked City Manager Ness for meeting with him and Sam Arca and providing them with valuable information.

Sam Arca spoke regarding the Special Olympics at Vandenberg Air Force Base and thanked Councilmembers Mariscal and Orach for attending and commended the City of Santa Maria's employees for their time and effort in support of Special Olympics.

Ben Kimball, Planner II with the Community Development Department, spoke about the International Exchange Program put on by the American Planning Association and his two weeks in London, England. He introduced Mario Wolf, Office of the Deputy Prime Minister in London, who is currently being hosted by the City of Santa Maria as part of the same program.

Mario Wolf spoke about the Exchange Program and his position in London. He invited the Council and public to attend a presentation he and Mr. Kimball would be doing on the Exchange Program at the next Planning Commission meeting.

George Alvarez spoke in support of Ernest Armenta and the potential degradation of the Guadalupe water supply from the City of Santa Maria's Wastewater Treatment Plant.

CONSENT CALENDAR
Ernest Armenta spoke in favor of the appointment of David Cross as a member of the TAP TV Board.

Consent Calendar Items A through J were approved with the indicated action on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

MINUTES
The Minutes of the Regular City Council Meeting of April 5, 2005, and the Minutes of the Special Joint City Council/Planning Commission meeting of April 7, 2005, were approved as submitted.

TAP TV BOARD APPOINTMENT
The City Council ratified the appointment of David Cross as the fifth, at-large member of the Television Access Partners (TAP TV) Board of Directors.

MEMORANDUM OF UNDERSTANDING
Resolution No. 2005-56 was adopted approving amendments to the current Memorandum of Understanding (MOU) with the Santa Maria Fire Fighters' Union, Local 2020.

Resolution No. 2005-56 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING EXTENSION AND AMENDMENT OF THE MEMORANDUM OF UNDERSTANDING WITH THE SANTA MARIA FIRE FIGHTERS UNION, LOCAL 2020.

WARRANTS
Warrant Nos. 119385 to 119663 in the amount of $1,384,224.79 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 119252, 119275, 119320, 119353, 119423, and 119462 were cancelled.

PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

ORDINANCE NO. 2005-04
Second reading of Ordinance No. 2005-04 amending various Chapters of Title 12 (Zoning Ordinance) of the Santa Maria Municipal Code, Z-2005-001, was conducted by title only and the ordinance was adopted.

Ordinance No. 2005-04 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO VARIOUS CHAPTERS OF TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, Z-2005-001.

CALL FOR BIDS
Approval was granted to call for bids on the plans and specifications for the Household Hazardous Waste Facility Expansion, Bid No. 2005/13, located at the City of Santa Maria Regional Landfill.

NOTICE OF COMPLETION
A Notice of Completion for North Blosser Road Bridges at Donovan Road and Cox Lane, Bid No. 2004/08, was approved for recording.

TDA CLAIM
Resolution No. 2005-57 was adopted approving the Transportation Development Act (TDA) claim for fiscal year 2005-06.

Resolution No. 2005-57 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE FILING OF A CLAIM WITH THE SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS FOR

ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT FUNDS FOR FISCAL YEAR 2005-06.

PRESENTATION OF AMERICAN FLAG

Saul Castillo, a United States Army Chaplain and Santa Maria resident stationed in Iraq, presented an American Flag to the City Council which was flown in a "Hero's Mission" to retrieve the remains of an American soldier killed in Iraq. He asked that the flag be displayed so all those who view the flag remember that freedom comes at a great price, and those who have paid the ultimate price need to be remembered.

Mayor Lavagnino accepted the flag on behalf of the City Council and indicated the City would replace the flag in the Council Chambers with this flag. He thanked Chaplain Castillo and wished him good luck and a safe journey home at the end of his tour of duty.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIPS PROGRAM

Grants Administrator Coelho-Hudson gave the staff report. The Federal Community Development Block Grant (CDBG) Program, a program that provides state and local governments with funds to address a variety of complex physical, economic and social needs in the community, has been in existence for over 30 years. The program is very flexible and allows local discretion as to how the funds may be used provided the specific activities meet one of the three national objectives: to primarily benefit low and moderate income persons; to prevent or eliminate slums or blight; or to meet a particularly urgent community-wide need, such as caused by a major catastrophic event. For fiscal year 2005-2006, the City anticipates receiving $1,450,991 in CDBG entitlement funds and $60,000 in program income under its revolving loan fund programs. Of these amounts, $217,648 will be available for public service and $943,145 will be available for capital development projects. An additional $546,353 in unused program funds and program income from previous years will be available for reallocation making the total available for capital projects $1,489,498. As part of a consortium with the County, the City will be eligible for $403,639 in HOME Investment Partnerships Program funds.

This year's allocations process was somewhat more complex as it entails the development of a five-year Consolidated Plan for fiscal years 2005-09, as well as an Annual Action Plan for fiscal year 2005-06. To date, the Block Grants Advisory Committee has conducted a process that involved both an assessment of the needs in the community and the recommendation of funding priorities and allocations. Over 200 focus group surveys were completed and analyzed. A community needs workshop was conducted on January 10, 2005, and a strategic planning workshop was held on March 14, 2005. These workshops were conducted as joint meetings with the All America City Committee. After reviewing the information presented at the workshops as well as demographic data and the results of the focus group surveys, the Advisory Committee adopted priorities for fiscal year 2005-06. For the third year, the Advisory Committee divided into five subcommittees of three committee members each and conducted an in-depth review and on-site visits of all the applications received for funding. A special Advisory Committee meeting was held on April 4, 2005, at which time each subcommittee reported the findings of their site visits and formulated its recommendation for City Council approval. The Committee evaluated and ranked the proposals by applying the adopted priorities as an overlay to the Federal Guidelines for Eligibility and the Additional City Criteria for CDBG Public Service Funding. The Committee evaluated each application and by consensus determined a priority of high, medium or low based on those priorities, guidelines and criteria. Also, the Committee included in its deliberations the City Council's directive to allocate $500,000 annually for three years for construction of the new City Public Library. In addition, the Committee gave funding priority to those programs and/or projects that address the Families for the First Decade strategies as directed by the City Council. Due to the limited funding available, only high- and some medium-priority projects or programs were recommended for funding.

Grants Administrator Coelho-Hudson introduced and recognized the members of the Block Grants Advisory Committee who were present.

Mayor Lavagnino announced that the City Council would be discussing the capital projects first, then the HOME Investment Partnership Program, and finally the Public Service Activities because Councilmember Orach had to step down from the Public Service Activities due to a conflict of interest. Public testimony would be taken as each portion of the item was discussed.

Capital Projects

Mayor Lavagnino opened the public hearing.

Joey Hughes, Campfire USA Central Coast Council, thanked the Block Grants Advisory Committee and City Council for funding their capital project.

Rebecca Robertson, Domestic Violence Solutions, asked the Council to support the Block Grants Advisory Committee's recommendations and thanked the Committee for their hard work and the City for its support.

Jeanette Nadeau, Foodbank of Santa Barbara County, stated for the third year the Block Grants Advisory Committee had recommended capital funding for their new warehouse and distribution center and thanked the Committee and the City for its continued support.

Sylvia Barnard, Good Samaritan Shelter, thanked the Committee and Special Projects staff for their support and explained what the funding would provide.

Kirk Spry, VTC Enterprises, also thanked the Committee and staff. The funding will allow them to provided needed maintenance to their building.

Richard Brown, Habitat for Humanity, thanked the Council for considering their project.

Resolution No. 2005-58 was adopted on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

awarding funding to the following:

Camp Fire USA Renovation of Camp Fire Cabin	$ 10,000
Domestic Violence Solutions/Mariposa House Counseling Center	$ 50,000
Food Bank of Santa Barbara County new warehouse facility	$200,000
Good Samaritan Shelter acquisition of apartments for TCWC	$400,000
VTC Enterprises Building & Site Improvements	$ 50,000
City of Santa Maria Public Library	$500,000
City of Santa Maria Recreation & Parks/Renovation of Atkinson Community Center	$100,000
Habitat for Humanity Residential Renovation Program	$179,498
Residential Rehabilitation Loan Program (Program Income)	$ 20,000
Economic Development Program (Program Income)	$ 40,000
General Administration	$290,198

Resolution No. 2004-49 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE CAPITAL DEVELOPMENT ACTIVITIES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2005-2006 FEDERAL FUNDING.

HOME Investment Partnership Program

Richard Brown, Habitat for Humanity, thanked the Council.

Fred Lamont, Housing Authority of Santa Barbara County, thanked the Council for the previous loan for the acquisition of the Central Plaza Apartments. On March 31st the acquisition was finally completed and rehabilitation would begin, as well as construction of a new community center. He also thanked the Committee and Council for providing funding for the Ted Zenich Gardens Apartment project.

Resolution No. 2005-59 was adopted on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

awarding funding to the following:

Habitat for Humanity/Construction of New Housing Unit	$ 37,000
Housing Authority/Ted Zenich Gardens	$366,639

Resolution No. 2005-59 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ACTIVITIES UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR FISCAL YEAR 2005-2006 FEDERAL FUNDING.

Public Service Activities

Councilmember Orach announced that he had a potential conflict of interest with the public service activities portion of the hearing because he was employed by United Way of the Central Coast which had applied for funding. He left the Council Chambers.

David Coelho, Catholic Charities, thanked the Block Grants Advisory Committee and the Council for support of their programs.

Maya Dollete, North County Rape Crisis and Child Protection Agency, explained the services the Agency provided and thanked the Committee for its funding recommendation.

Ashley Payne, Community Partners in Caring, thanked the Committee for recommending funding for their program.

Elizabeth Rodriguez, Community Action Commission, thanked the City, the Committee and City staff for their continued support.

Captain Eric Bradley, The Salvation Army, thanked the Committee and the Council for considering their application for funding.

Joey Hughes, Camp Fire USA Central Coast Council, thanked the Committee for recommending funding for their club programs which would be used to help children in transitional housing.

Kristen Cahoon, CASA, thanked the Committee for considering their application for funding and spoke about how excited they were about the growth of their North County program. She hoped the Committee would look more favorably on their application for funding next year.

Tom Urbanske, Catholic Charities, asked the Council to follow the recommendations of the Block Grants Advisory Committee and to try to save the Block Grants program because it was one of the greatest programs for the volunteer organizations in the community.

Teresa Menchaca, Fighting Back Santa Maria Valley, thanked the Council for the opportunity to be a part of the Block Grants process and to share their vision of reducing substance abuse among the area youth.

Councilmember Trujillo read some of the activities of Fighting Back Santa Maria Valley provides and asked if there was a possibility of finding $5,000 in additional program income funds for this organization. He agreed with all the recommendations of the Block Grants Advisory Committee but would like to help this start-up organization.

City Manager Ness stated the City did, on occasion, look at program income funding and have used some of it to fund programs in past years. The City did anticipate some program income coming in during the year, and the $5,000 should be available if that was the Council's desire.

Councilmember Patino stated in the report it listed the amount requested and the priority ranking. The only high-ranking organization that was not recommended for funding was the Center for Employment Training/Housing Assistance.

Grants Administrator Coelho-Hudson explained that at the time the Committee deliberated, that organization was funded for the current fiscal year and had only drawn down about seventeen percent (17%) of the current grant. Staff recommended carrying the remaining amount over into the next fiscal year. The Committee said it would revisit the program next year if they applied again. Since that time, the organization had submitted an invoice for additional funds.

Hearing no further testimony, Mayor Lavagnino closed the public hearing.

Resolution No. 2005-60 was adopted on motion by Councilmember Mariscal, seconded by Councilmember Trujillo, and carried on the following vote:

AYES:	Councilmembers Mariscal, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Orach
ABSTAIN:	None

awarding funding to the following:

Camp Fire USA/Club Programs	$ 3,500
Catholic Charities	$20,000
City of Santa Maria/Families For the First Decade Project	$21,000
Community Action Commission/Senior Nutrition	$ 5,000
Community Partners in Caring/Interfaith Volunteer Caregiver Program	$10,500
Domestic Violence Solutions/Emergency Shelter	$10,000
Foodbank of Santa Barbara County/Brown Bag Program	$ 7,500
Good Samaritan Shelter/Emergency & Transitional Shelter Programs	$27,202
Independent Living Resource Center/Community Living	$ 4,096
Independent Living Resource Center/Deaf Outreach	$ 5,350
Legal Aid Foundation of Santa Barbara County	$15,000
North County Rape Crisis & Child Protection Center	$ 7,500
Santa Barbara County Probation Dept/Youth Shelter Care	$12,000
Santa Maria Independent Living Environment (SMILE)	$15,000
Santa Maria Organization of Transportation Helpers/Senior Transportation	$ 4,000
Santa Maria Valley FISH Meals On Wheels	$11,500
Santa Maria Valley Youth and Family Center	$10,000
Sisters of St. Francis/Marian Residence Lifeline	$ 9,000
The Salvation Army	$20,000

Resolution No. 2005-60 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE PUBLIC SERVICE ACTIVITIES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2005-2006 FEDERAL FUNDING.

Councilmember Patino asked if she should recuse herself from discussion of funding for Fighting Back Santa Maria Valley since she was on the Board of Directors.

City Attorney Trujillo responded that under the Fair Political Practices Commission rules, a person needs to have a financial conflict of interest. If Councilmember Patino is an uncompensated member of the Board of Directors, she does not have a financial conflict of interest. The next rule is whether she might have a conflict under the "common law." That test is whether or not she can make a fair and unbiased decision. If she feels she can participate and be fair and her membership on that Board does not create a bias, then there is no legal requirement that would prevent her from participating.

Councilmember Patino announced she was recusing herself and left the Council Chambers.

City Manager Ness stated if the Council is interested in providing additional funds to Fighting Back Santa Maria Valley, the resolution that was just approved should be amended to provide an instrument authorizing the funding.

Resolution No. 2005-60 was amended on motion by Councilmember Trujillo, seconded by Councilmember Mariscal, to include a grant of $5,000 to Fighting Back Santa Maria Valley.

AYES: Councilmembers Mariscal, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmembers Orach and Patino
ABSTAIN: None

Resolution No. 2005-60 amended and adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE PUBLIC SERVICE ACTIVITIES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2005-2006 FEDERAL FUNDING.

Mayor Lavagnino and members of the City Council thanked the Block Grants Advisory Committee and Grants Administrator Coelho-Hudson for their hard work and dedication.

At this time Councilmember Orach and Patino returned to the Council dais.

ANNUAL WEED ABATEMENT PROGRAM

Director of Public Works Karp gave the staff report. On March 15, 2005, the City Council adopted Resolution No. 2005-43 declaring that public and unimproved private lots constituted a public nuisance and set tonight as the date Council would hear comments or objections regarding the requirements to destroy weeds and remove rubbish, refuse, and dirt from said properties. Streets and Facilities staff mailed 126 abatement letters to owners of 167 properties. The purpose of the abatement letter is to make certain that property owners are aware that property they own requires appropriate maintenance and gives the owners an opportunity to accomplish the abatement on their own. Owners of undeveloped lots who are not successfully notified through the abatement mailing process will have their properties posted.

Mayor Lavagnino opened the public protest hearing.

Hearing no protests, Mayor Lavagnino closed the hearing.

Resolution No. 2005-61 was adopted on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2005-61 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA OVERRULING OBJECTIONS TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE, AND DIRT PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

Councilmember Mariscal asked if staff could contact the County in conjunction with Regional 5 of Caltrans to do weed abatement along Highway 135. With the rains, the weeds were five feet tall.

ECONOMIC DEVELOPMENT ELEMENT ANNUAL REPORT

Director of Community Development Lindsey gave the staff report. The Economic Development Element (EDE) of the General Plan was adopted by the City Council on February 17, 2004. A policy of the EDE is to evaluate the success of programs and policies. The annual report was prepared by the City in partnership with the Chamber of Commerce. The annual report highlights economic development activities for the past year and suggested amendments to the EDE.

Councilmember Orach commented that in some areas of town there seemed to be a lot of sandwich board signs in the public right-of-way. He asked if someone from the Public Works Department could remove the signs from the public right-of-way instead of having to go through the lengthy Code Compliance process.

Director of Community Development Lindsey indicated that sandwich board signs were not permitted in public right-of-way under the current sign ordinance. Under the proposed sign ordinance they would only allow structures and only in the downtown area.

On motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried unanimously, the Economic Development Element Annual Report was received and filed.

MEDICAL MARIJUANA DISPENSARIES INTERIM ORDINANCE

City Attorney Trujillo gave the staff report. On March 24, 2005, the Police Department requested the City Attorney's office consider an ordinance banning the operation of medical marijuana dispensaries in the City. The Cities of San Luis Obispo, Pismo Beach, Arroyo Grande, and Grover Beach have adopted such ordinances. The voters of the State of California approved Proposition 215, entitled "The Compassionate Use Act of 1996." In 2003, the State enacted SB 420 to clarify the scope of the Compassionate Use Act and to allow cities to adopt and enforce rules and regulations consistent with SB 420. This includes controlling sites where medical marijuana is dispensed to primary caregivers and patients. The existing City zoning regulations do not provide for the location and/or regulation of medical marijuana dispensaries. The City has recently received several inquiries for the establishment of medical marijuana dispensaries by parties who have indicated their interest to operate a commercial version of such facilities. In *Ashcroft v. Raich*, the U.S. Supreme Court will decide if the federal Controlled Substances Act can be applied to a qualified patient who possesses and cultivates marijuana for personal medical use. Should the Court find the federal law does not apply in such an instance, then in light of the purposes set forth in S.B. 420 and the strong public sentiment expressed in Proposition 215, medical marijuana dispensaries and cooperative cultivation projects would appear to be allowed under California law. Staff is recommending that the City Council introduce and adopt the interim, urgency ordinance establishing a moratorium on the location of medical marijuana dispensaries to give staff an opportunity to study the issue; direct staff to report to the City Council in writing at the May 17, 2005, meeting regarding the measures taken to alleviate the condition leading to the ordinance; and in the event the Supreme Court does not rule in *Ashcroft v. Raich*, direct staff to provide notice of a public hearing for the May 17, 2005, City Council meeting for consideration of an extension to the ordinance. An interim ordinance requires four affirmative votes.

Councilmember Orach asked as with many businesses that are regulated, would the applicants be required to go through a background screening?

City Attorney Trujillo stated currently there were no regulations in the City regarding this issue. That would be one of the things the City would be studying. The State has issued regulations and given direction to various Counties to implement the medical marijuana statute by adopting regulations. Most of the regulations are regulations towards the patient, giving them an identification card so the patient who has a legal doctor's note for use of medical marijuana is not continually arrested or having their medical marijuana confiscated.

Councilmember Mariscal asked under the "do nothing" alternative, how successful are businesses who argue they are grand-fathered in when the zoning ordinance changes?

City Attorney Trujillo indicated they were usually very successful. If there are currently no regulations and a business is able to establish itself in a City, they could argue it is a legal, non-conforming use. They would be grand-fathered in and the legal, non-conforming statutes would apply which would prevent the City from taking action to stop that business.

Councilmember Mariscal asked if that would continue to apply to the business, even if it changed owners over the years?

City Attorney Trujillo indicated it would apply to the business itself. If the business remained in continuous operation, it could maintain that status for quite some time as long as there were no other violations and the business was not abandoned for a period of time.

Mayor Lavagnino opened the discussion to the public.

Scott Ormonde, Nature's Choice, stated he was a disabled veteran and this was a right of his. The Supreme Court decision would not impact the California medical laws because that is part of the State Constitution. The dispensary he and his partner are trying to establish would not be affected by the Supreme Court decision because cities and counties are bound by California law.

Ernest Armenta asked what would happen to the current application that was submitted. He asked if there was anyway for staff to conduct their study without having a moratorium. These people are sick and dying. When it went to the ballot, the majority of the people in the State said yes. The City should want to regulate it so people don't have to go to the local dealer.

Director of Community Development Lindsey stated the City had had several inquiries, but has not received any formal applications. At the present time, it is not clear what those applications would be because the scope is so broad.

Teresa Menchaca, Fighting Back Santa Maria Valley, stated she encouraged the Council to adopt the moratorium. She understood that people were sick and dying, but the City had to think about the youth and the community and how they also can obtain marijuana. It is the gateway drug and the biggest drug in the community. The City of Santa Barbara has allowed this and has seen an increase in crime.

There was no further public testimony.

Ordinance No. 2005-05 was introduced and adopted on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Ordinance No. 2005-05 adopted. AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A MORATORIUM

ON ANY AND ALL MEDICAL MARIJUANA DISPENSARIES TO TAKE EFFECT IMMEDIATELY ON APRIL 19, 2005.

REPORT BY CITY MANAGER:
City Manager Ness reported on items for the May 3, 2005, City Council meeting including several proclamations such as "Go Western Days" which kicks off western wear, the third Quarter Financial Report, and possibly a public hearing for a Resolution of Necessity to acquire an easement related to the Library project.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS:
Councilmember Trujillo reported on a housing meeting in Santa Barbara that he had attended. It was one of the best he had attended on housing. He read some of the housing myths that were presented at the meeting. He said the City of Santa Maria was doing a good job regarding housing.

Councilmember Orach reminded the public of the Creating Wealth public forum on Monday evening at the Community Room of the Town Center Mall.

Councilmember Patino thanked the members of the Block Grants Advisory Committee and staff of the Special Projects Division for their work on the CDBG application process. Earth Day is on Saturday, and at 10:30 AM she would be milking a goat.

Councilmember Mariscal reported on the Special Olympics at Vandenberg Air Force Base. He commended the Recreation and Parks Department and Vandenberg Air Force Base personnel for all their hard work with this program.

Councilmember Orach also thanked Councilmember Mariscal and his Kiwanis Club who barbecue each year for all the participants at the Special Olympics.

CLOSED SESSION:
The City Council recessed to a Closed Session at 8:55 p.m. for the following: Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; Conference with Legal Counsel regarding Threat of Litigation pursuant to Subsection (b)(3)(C) of the Government Code Section 54956.9 (1 matter); and Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Agency representative: Assistant City Manager, Employee organization: Santa Maria Firefighters Union, Local 2020.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

Threat of Litigation (1 matter) - Direction to staff.

Conference with Labor Negotiator re: Santa Maria Firefighters Union, Local 2020 – Status report. No reportable action.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:40 p.m. by order of Mayor Lavagnino.

APPROVED

May 3, 2005
Date

Patricia A. Adams
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST: Patricia A. Adams
Chief Deputy City Clerk

D. D. Lavagnino
Mayor of the City of Santa Maria